IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTIION

Writ Petition No. 8366 of 2007

M/s Sarjan Realities Ltd. ..Petitioner

vs.

Maruti Taroba Chorage and ors. ..Respondents

Shri G.S.Godbole i/b Shri K.S.Patil for petitioner

CORAM: S.C.DHARMADHIKARI J.
27th NOVEMBER, 2007

P.C.

1. Heard Shri Godbole for the petitioner.

2. After hearing Shri Godbole and perusing with his able assistance the impugned order, I am of the view that this is not a fit case for interfering with grant of interim injunction in favour of the respondent restraining the present petitioner from putting up any permanent construction or altering the nature of the land till hearing and final disposal of the suit in question.

3. Even at the prima facie stage, there is no material produced to evidence partition and separate possession of this land. In such

circumstances, the respondents cannot be said to be prevented from applying for declaration of their share in the land and for partition and separate possession. Such being the nature of dispute, the Trial Court and the lower Appellate Court thought it fit not to allow the petitioners to act upon the document executed in their favour. It is not as if any final findings have been rendered. Therefore, all the three ingredients being satisfied the injunction has been rightly issued. Petition is accordingly dismissed.

4. However, the Civil Judge, Jr.Dn., Patan is directed to dispose of Reg.Civil Suit No.85 of 2007 pending on his file as expeditiously as possible and within a period of six months from the date of receipt of this order. All contentions on merits of both sides are expressly kept open. The courts below may not be influenced by any observatrions including the orders of this Court.

(S.C.DHARMADHIKARI J.)